

REMARKS

This responds to the Office Action dated December 30, 2009.

Claims 12-13 and 15 are amended; claims 1-11 were previously canceled, without prejudice to or disclaimer by the Applicant; and claims 19-24 are added; as a result, claims 12-24 are now pending in this application.

Example support for the amendments may be found throughout the original filed specification. By way of example only, the learned Examiner's attention is directed to the original filed specification page 7, lines 1-6; page 8, lines 1-13; page 9; and FIGS. 3-4.

The Rejection of Claims Under § 112

Claims 12-18 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Applicant has addressed each point raised by the Examiner in the rejection of these claims. Specifically, ambiguity as to the "possible" language has been amended to be "definitive" language, and the ambiguity as to the modules was corrected. Additionally, the term "flexible" was removed from claim 13 in place of "adjustable," and the term "paper" was qualified as "paper dyer;" as such, each and every rejection has been addressed and these rejections are now moot points.

The Rejection of Claims Under § 103

Claims 12-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lubowicki et al. (U.S. Patent No. 7,021,199; hereinafter "Lubowicki") in view of Brindopke (U.S. Patent No. 4,178,500) or Damiano et al. (U.S. Publication No. 2004/0065658; hereinafter "Damiano"). Obviousness requires that each and every element be taught or suggested in the proposed combination of references.

Each of the references provides techniques for heating achieved via a contact surface. That is, none of the references teach or suggest radiative heating. Applicant also notes that "infrared heating source" does not imply or necessarily mean "radiative heating of the surface or object to be heated." Thus, although the learned Examiner has cited a reference for infrared

heating, this does not imply radiative heating. In fact, the references require heating via contact surfaces. Thus, for at least this reason the rejections of record should be withdrawn.

Additionally, Applicant notes that the main reference cited, Lubowicki, shows a single, consumer-based heating module. There are not multiple modules shown. Moreover, this makes sense because Lubowicki is directed to a consumer-based product and not an industrial-based product. Adding more units to Lubowicki would take it outside the scope of its teachings into industrial strength power usage that could not be used in a consumer's home as a home-based appliance. In fact, most all consumer products use 1 kW of power or less; so, Lubowicki would not even suggest using multiple units because the total power consumption of the units would exceed consumer usage limitations.

Lastly, none of the references show or suggest an adjustable frame having multiple radiative heaters configured as a single unit.

Thus, the rejections are not sustainable, and Applicant respectfully requests that the rejections be withdrawn and the claims allowed.

Reservation of Rights

In the interest of clarity and brevity, Applicant may not have equally addressed every assertion made in the Office Action, however, this does not constitute any admission or acquiescence. Applicant reserves all rights not exercised in connection with this response, such as the right to challenge or rebut any tacit or explicit characterization of any reference or of any of the present claims, the right to challenge or rebut any asserted factual or legal basis of any of the rejections, the right to swear behind any cited reference such as provided under 37 C.F.R. § 1.131 or otherwise, or the right to assert co-ownership of any cited reference. Applicant does not admit that any of the cited references or any other references of record is relevant to the present claims, or that they constitute prior art. To the extent that any rejection or assertion is based upon the Examiner's personal knowledge, rather than any objective evidence of record as manifested by a cited prior art reference, Applicant timely objects to such reliance on Official Notice, and reserves all rights to request that the Examiner provide a reference or affidavit in support of such assertion, as required by MPEP § 2144.03. Applicant reserves all rights to pursue any cancelled claims in a subsequent patent application claiming the benefit of priority of the present patent application, and to request rejoinder of any withdrawn claim, as required by MPEP § 821.04.

CONCLUSION

Applicant respectfully submits that the claims are in condition for allowance, and notification to that effect is earnestly requested. The Examiner is invited to telephone Applicant's representative at (513) 942-0224 to facilitate prosecution of this application.

If necessary, please charge any additional fees or deficiencies, or credit any overpayments to Deposit Account No. 19-0743.

Respectfully submitted,

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CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this correspondence is being filed using the USPTO's electronic filing system EFS-Web, and is addressed to: Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on this 6th day of March, 2010.

CHERYL L. KNAPP

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Signature